

Served: December 29, 2000



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Issued by the Department of Transportation
on the 26th day of December, 2000

Application of

SOUTHEAST AIRLINES, INC.

for an exemption

Docket OST-00-8540- 3

ORDER CONFIRMING ORAL ACTION

Summary

By this order, we confirm our oral action of December 19, 2000, granting Southeast Airlines, Inc. (Southeast) an exemption to engage in passenger charter air transportation between Raleigh and Charlotte, North Carolina, and Cancun, Mexico.

Background

Southeast currently holds a certificate authorizing it to provide interstate charter passenger air transportation.¹ By application filed on September 20, 2000, in Docket OST-00-7956, Southeast requested a certificate authorizing it to engage in foreign charter passenger air transportation. Accompanying Southeast's application was information supporting its fitness to conduct such proposed expanded operations.

Pending Department action on its foreign certificate application, on December 13, 2000, Southeast filed an application in Docket OST-00-8540, requesting an exemption to operate a series of public charter flights between Charlotte and Raleigh, North Carolina, on the one hand, and Cancun, Mexico, on the other, between December 21, 2000, and February 28, 2001.² In support of its request, Southeast states that the proposed public charter flights will offer the public access to low-cost, direct air service to the popular Mexican vacation destination.³

Because of the impending nature of the proposed flights, as provided in section 302.304 of our rules, Southeast served a copy of its exemption request on, and telephonically polled, U.S. air

¹ See Order 99-6-15, issued June 16, 1999.

² Southeast intends to conduct five weekly round trips between Charlotte and Cancun, and two weekly round trips between Raleigh and Cancun.

³ Southeast further notes that the proposed flights will financially benefit the carrier as well.

carriers authorized to serve Mexico. Southeast advises that none of those carriers object to grant of the applicant's exemption request.

The Charlotte/Raleigh-Cancun public charter flights are similar in scope to the interstate charter services Southeast currently conducts. Moreover, our review of Southeast's foreign certificate application in Docket OST-00-7956 revealed nothing that would lead us to conclude that Southeast is not qualified to conduct the U.S.-Mexico flights requested here. Finally, the Federal Aviation Administration advises us that the carrier already holds operating authority from that agency to conduct foreign charter passenger services.

In light of the above, we found that Southeast was qualified to provide the services proposed and that grant of the carrier's exemption request was consistent with the public interest. Thus, on December 19, we orally advised the carrier that its request to provide Raleigh/Charlotte-Cancun charter passenger services was approved. We confirm that action here.

ACCORDINGLY, Acting under authority assigned by the Department in its regulations, 14 CFR 385.12(b)(1):

1. We confirm our oral action of December 19, 2000, granting Southeast Airlines, Inc., an exemption from section 41102 of the Statute to the extent necessary to authorize it to conduct charter passenger air transportation operations between Charlotte and Raleigh, North Carolina, on the one hand, and Cancun, Mexico, on the other hand.
2. The authority granted to Southeast Airlines, Inc., herein is effective from December 21, 2000, through February 28, 2001, or until such time as the Department's final action in Docket OST-00-7956, whichever occurs earlier.
3. In the conduct of operations authorized by this exemption, Southeast Airlines, Inc., shall:
 - a. Hold, at all times, effective operating authority of the foreign government involved.
 - b. Comply with the requirements for reporting data contained in 14 CFR Part 241.
 - c. Maintain, at all times, liability insurance coverage meeting the requirements of Part 205 of our rules.
 - d. Except as specifically exempted or otherwise provided for in a Department Order, comply with the requirements of 14 CFR Part 203 concerning waiver of Warsaw Convention liability limits and defenses.
 - e. Hold, at all times, appropriate operating authority from the Federal Aviation Administration.
 - f. Comply with such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Department of Transportation, with all applicable orders and regulations of other U.S. agencies and courts, and with all applicable laws of the United States.
4. The exemption granted here may be amended or revoked at any time without notice or hearing.

5. We will serve a copy of this order on the persons listed in Attachment A.

Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.30, may file their petitions within 10 days of the service date of this order.

The action taken in this order was effective when taken and the filing of a petition for review shall not alter its effectiveness.

By:

RANDALL D. BENNETT
Acting Director
Office of Aviation Analysis

(SEAL)

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http://dms.dot.gov/reports/reports_aviation.asp*

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